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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,325	03/29/2001	Ken Monda	HYAE:109	5122

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,325

Applicant(s)

MONDA ET AL.

Examiner

Dave Czekaj

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 5-6 and 11-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4, 7-8, 10, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Daum et al. (5815634), (hereinafter referred to as "Daum").

Regarding claims 1, 2, 7, and 13-14, Daum discloses an apparatus that provides synchronization between audio playback and a video display (Daum: column 1, lines 13-18). This apparatus comprises "a system decoder for separating the compressively coded video data, audio data, and additional data from the data stream and outputting these data and performing head detection on the video and audio frames" (Daum: column 5, lines 54-57, wherein the system decoder is the vidsyst decoder which separates the audio, video, and additional data (wherein the additional data is the timing information), figures 2A and 4A, wherein it is shown the audio data being outputted to the audio decoder, the video data being outputted, and the additional information, or timing information, being outputted to the STC counter and register, figure 1B, column 5, lines 54-57, wherein the vidsyst decoder parses the audio and video packets by reading the head or header, illustrated in figure 1B), "video and audio decoder for decoding the video and audio frames" (Baum: figure 2A, items 200 and 201, wherein the video decoder is contained within the vidsyst), "a synchronous controller for judging whether a detected head frame is a video or audio frame corresponding to the reproduction start time which is one of the additional data

assigned to the detected frame" (Daum: column 4, lines 54-57, wherein the system decoder is the synchronous controller where the parsing is the determining if the head frame or header is video or audio, the reproduction start time is the audio and video PTS (APTS and VPTS)), "making a decoding request for decoding the detected video/audio frame when the detected video/audio frame is judged as video/audio frame corresponding to the reproduction start time" (Daum: column 5, lines 54-61, column 6, lines 1-5, wherein the decoding request is the process of sending the video/audio frames to their respective decoders after it is determined if the frame is an audio or video frame, the reproduction start time is the audio and video PTS (APTS and VPTS)), "judging whether a predetermined period of time has passed before judging whether both of the video and audio frame have been decoded or not" (Baum: column 5, lines 62-67, wherein the predetermined period of time is the time drift which once it exceeds a predetermined limit, the A/V sync circuit determines or judges whether the decoding has occurred by controlling the decoders (i.e., the a/v sync circuit will not request another video frame until the current frame is done decoding)), and "requesting synchronous output of the decoded video and audio data when it is judged that both have been decoded" (Baum: figures 7A-7C, wherein the graphics controller requests the video and audio data).

Regarding claims 4 and 10, Daum discloses "the data stream is a program stream defined by the MPEG standard and the reproduction time information is a PTS defined by the MPEG standard" (Daum: column 5, lines 54-57, wherein the

PTS is the VPTS and APTS, which is well known in the art to be contained within a program stream).

Regarding claim 8, note the examiners rejection for claim 2 and in addition Baum discloses "the synchronous controller outputs an output request to either of the video and audio decoder whichever has completed decoding at this point in time" (Baum: figure 2A, column 5, lines 50-61, wherein the output request is the sending the audio and video data to the respective decoders which is done until all packets have been completed).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. (5815634), (hereinafter referred to as "Daum").

Regarding claims 3 and 9, note the examiners rejection for claim 2, and in addition, claims 3 and 9 further require notifying the outside that an abnormal condition occurs when the predetermined time has passed and the frames have not been decoded. Although not disclosed, it would have been obvious to implement this notification process (Official Notice). Doing so would have been obvious in order to obtain an apparatus that operates more efficiently by providing an alert when an abnormal condition occurs.

Allowable Subject Matter

4. Claims 5-6 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6587635	07-2003	Subramanian et al.
US-6240137	05-2001	Kato, Motoki
US-6088063	07-2000	Shiba, Kosuke
US-5726989	03-1998	Dokic, Mirosla V.
US-6236432	05-2001	Lee, Hyun-Su
US-6246720	06-2001	Kutner et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600